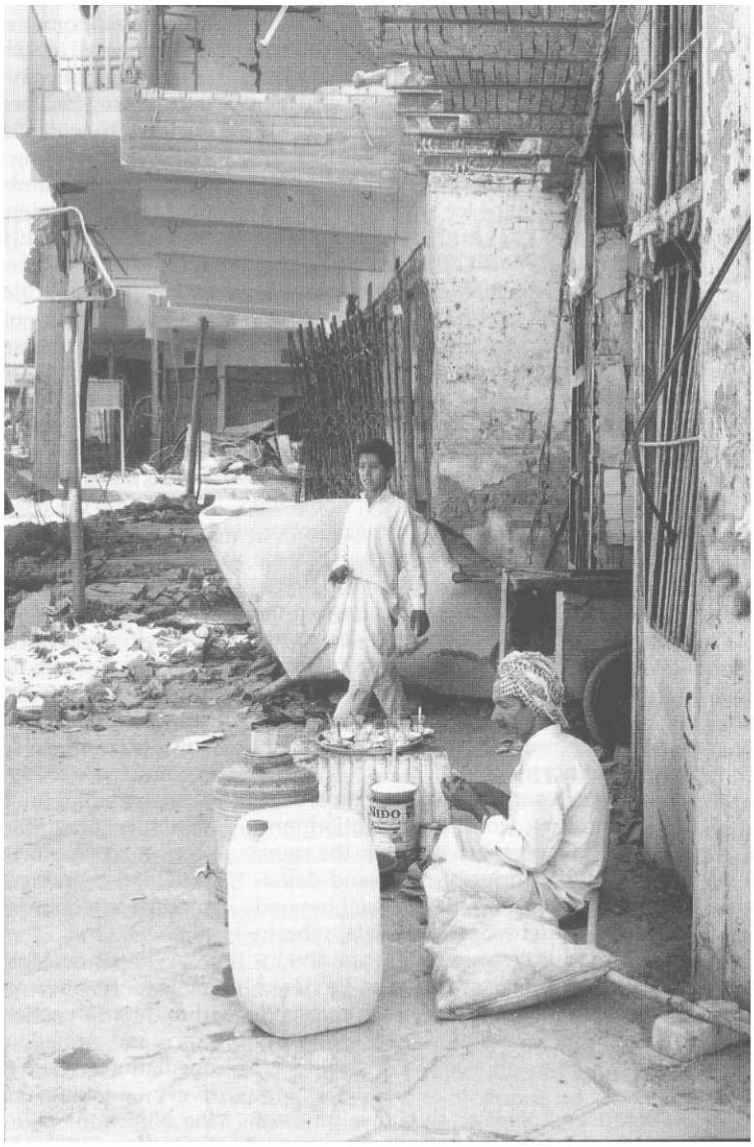

*Who sanctions, who suffers The lingering impact of war and the long-term effects of UN-imposed international sanctions in Iraq have hit the most vulnerable – the sick, the old, mothers and children – hardest. People sell whatever they can but food is in short supply, medicines are only available at exorbitant prices, there is a lack of spare parts for water purification systems, and doctors and hospitals cannot help Together these have all led to a sharp deterioration in nutritional levels and the health of the most needy*

Street vendor, Iraq, 1991 Leonard Freed/Magnum

# UN sanctions and the humanitarian crisis

As tools of international pressure that fall between diplomacy and armed force, sanctions aim to achieve political ends at limited risk to those imposing the measures and without the wastage of active conflict. With the end of the Cold War, a near veto-free United Nations (UN) Security Council is slowly learning how to enforce sanctions as a key part of the international response to the actions of states regarded as threats to peace. Sanctions may apply specific measures to deny a government weapons, or offer broader measures intended to put civilians under stress and thus have a political impact on the government. Imposed shortages and high prices mean hunger, poverty, disease and deaths. This chapter examines the theory and practice of sanctions, especially as applied to Iraq, Serbia and Haiti, and considers how humanitarian organisations should react to sanctions.

## Sanctions dilemma

Sanctions highlight a dilemma at the heart of the UN, because its Charter is concerned with both safeguarding peace and human rights. UN Charter Chapter VII defines three basic instruments for the Security Council to use to safeguard peace: diplomacy, sanctions and force. The Council must assess whether sanctions will achieve the political goals intended, and weigh their chance of success against the level of suffering likely to be inflicted on civilians.

The Security Council should also judge the state's accountability to its people. Will its dwindling resources benefit its most vulnerable groups. Will it let its policies be influenced by the hardship sanctions may cause. Is repression so severe that civilians cannot make their voices heard? Or will the state make propaganda of suffering, using hardship both to unite its people and as a weapon to influence the Security Council? Should the Security Council target sanctions to minimise their effects on the general population and maximise the discomfort of the individuals leading and supporting the regime? If this is impossible, should the Security Council select other instruments to use against countries that threaten peace?

The UN Charter does not spell out this deliberative process, nor how it should be done, but it does expect the Security Council to uphold the balance between peace and security and human rights, and customary law assumes that there is proportionality in policies. International norms cannot be enforced at any humanitarian cost.

It is not the role or mandate of the International Federation – or of most humanitarian agencies – to strike the balance between politics and humanitarianism. But in attempting to alleviate and prevent human suffering, ensure respect for human beings and, in particular, look after the interests of the most vulnerable, the International Federation must ensure that the humanitarian costs of political decisions are always visible to whose who make the policy.

With its Fundamental Principles and the Geneva Conventions, the International Red Cross and Red Crescent Movement has a duty to assist those suffering, including those who live under sanctions. When it finds that those sanctions are designed and implemented to systematically affect vulnerable groups, that their impact is so severe that ever-wider sections of the population sink into poverty, that humanitarian aid is totally inadequate and humanitarian agencies are denied the means to operate, then there is a need to ask of the Security Council: Where is the balance between politics and humanitarianism?

In an interdependent world, comprehensive trade sanctions may be impossible without compromising fundamental human rights. Sanctions clearance procedures for humanitarian aid can be simplified and expedited and humanitarian monitoring can be made more effective. If nations under sanctions become ostracised, however, resources will not be there to meet the needs of vulnerable groups that eventually become so many as to exclude

only those who actually profit from sanctions.

Since the political outcome – by the Security Council's own assessment – of the sanctions imposed on Serbia-Montenegro, Haiti and Iraq is so limited, while the humanitarian consequences are so severe, the Security Council clearly needs to reflect seriously on whether the price paid by ordinary people in the three countries is not too high for what has been achieved

## Sanctions history

Modern sanctions history began in 1945. The UN's overriding aim was preserving peace. Its Charter gave the Security Council the power to judge threats to peace and security and, in Chapter VII, gave it the tools to restore peace if conflict threatened a state. If diplomatic means were ineffective, the Security Council could, under Article 41, call on UN members to apply sanctions. The Charter defines sanctions as the "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations" with a nation that threatens peace and security or is guilty of aggression against another If sanctions prove insufficient, the Security Council can decide upon military action.

Multilateral sanctions against a nation defying international norms fell into disrepute when the League of Nations failed to stop Italy's 1935 occupation of Abyssinia, an event that led to the collapse of the League as a system for collective security. In 1945, it was still believed that well-designed sanctions could be more efficient than diplomacy and as effective as armed force – but without its human and material costs They were what President Woodrow Wilson had called a "peaceful, silent and deadly remedy" that no nation could resist.

Sanctions – mainly bilateral – were frequently used after World War II but with very limited political results.

The end of the Cold War meant the reduction of vetoes in the Security Council and opened a new sanctions chapter. Sanctions against Iraq and Serbia-Montenegro in late 1994 were the most comprehensive and the most strictly enforced the UN had ever imposed

The possible use of UN sanctions in the future will be influenced by at least two factors. First, if today's sanctions are deemed to have been effective in achieving Security Council objectives, their popularity will rise. Second, experience of UN peace-making and peace-keeping in Somalia and the former Yugoslavia make it less likely that the Security Council will invoke Articles 42 and 43, which compel member States to put military forces at its disposal.

For example, many countries were unwilling to define as genocide the killing of up to one million Rwandans, a definition which would have compelled them to intervene under the 1948 Genocide Convention. Refining and using the sanctions instrument will probably be a more attractive way to enforce international norms.

The UN Charter's first Article states that peace and security should be maintained "in conformity with the principles of justice and international law"

In particular, two sets of principles should provide a means of balance for Security Council decisions. First, the principle of proportionality in customary law means that legitimate use of force, such as self-defence, should not be out of proportion to the violation against which it is directed. As a general principle, codified in different instances of international law, it serves to limit coercive actions in relation to the aims they are meant to achieve.

The other principle refers to broadly defined human rights. In its preamble, the UN Charter declares the signatories' faith "in fundamental human rights, in the dignity and worth of the human person". In Article 1:3, it states that a purpose of the UN is to promote respect for human rights. Although the development of definitions and conventions of human rights occurred after the Charter's adoption in 1945, a strong link is clearly intended between promotion of human rights and preservation of peace and security. The Charter is a primordial human rights document.

Consequently, the Charter implicitly assumes an inherent balance in Security Council decisions and their practical implementation In the spirit of the Charter, the Security Council is expected to preserve peace without compromising universal human rights, or, stated in positive terms, while seeking to encourage respect for the dignity and worth of the human being. It would be against the spirit of the Charter if the Security Council sought to use sanctions to protect the human rights of some individuals threatened by aggression – the most fundamental right being their right to life – in such a way that the human rights of other individuals were deliberately violated.

This means that there should be no contradiction between the Charter and international humanitarian law, such as the Geneva Conventions, or human rights conventions. The intended conformity between the Charter and international law is apparent when Security Council sanctions resolutions make exceptions for imports of humanitarian assistance such as food and medicine.

It could be argued that these exceptions are already inherent in the Charter. The ICRC maintains that in the event of a decision on sanctions against a nation, humanitarian exceptions would have to be respected even if Security Council resolutions did not make express reference to such exceptions Starving a civilian population is not allowed, sanctions or no sanc-

tions. Civilians are entitled to medical care, sanctions or no sanctions.

Article 103 of the UN Charter states: "In the event of a conflict between the obligations... under the present Charter and... obligations under any other international agreement... obligations under the present Charter shall prevail." Could this mean that Security Council resolutions could override the Geneva Conventions? If conformity between the two is intended, this would not be possible. However, a Security Council resolution on sanctions will take precedence over trade agreements.

If the UN Charter is both about peace and security and about respect for fundamental human rights, there is the expectation that the Security Council assumes explicit responsibility for both the political and humanitarian dimension in its decisions. Two questions should therefore be asked with reference to Serbia-Montenegro, Iraq and Haiti: Have there been de facto contradictions between explicit political and implicit humanitarian goals, and has the Security Council assumed responsibility for the balance between political and humanitarian goals inherent in the UN Charter?

## Do sanctions work politically?

The Washington Institute for International Economics studied 116 sanctions episodes during this century and concluded that – from the perspective of the nation or nations imposing them – sanctions contributed to the achievement of political goals in 41 cases, a 34 per cent "success rate".

Of course, as well as explicit political goals, there are often implicit goals, including demonstrating resolve to domestic and international audiences. To a government, sanctions' implicit goals may be at least as important as their explicit goals, to the extent that there may be little interest in actually seeing the political goals realised.

Most of the 116 cases involved bilateral sanctions and more than 75 per cent occurred between 1955 and 1990. Sanctions were not an effective Cold War instrument, however, because action by one superpower would usually prompt the other to help a targeted government.

The Washington study identified factors that influence sanctions' success. Precise objectives were easier to achieve. Success was more likely if the two countries involved were politically related but differed considerably in size and economic well-being. Chances of success were higher if the country imposing sanctions did not have to rely on other countries' cooperation, or if there was strong multilateral unity. Without swift success, objectives tend to be watered down, and sanctions become ineffective.

Trade sanctions were less effective than financial sanctions. Immobilising property and freezing foreign assets and credit can be precisely targeted to influence the policies and pockets of government officials. General embargoes on imports and exports are blunt instruments, which tend to bypass the rich while seeking out and making life even harder for the vulnerable.

There will be any number of opinions on whether today's sanctions work, but a logical test is whether the Security Council itself believes its goals have been achieved.

In Haiti (see Box 2.1), the answer is: no. There has been no easing of sanctions when 16,000 troops invaded, reinstated President Aristide and escorted coup leaders out of the country.

In Serbia-Montenegro (see Box 2.3), the answer is: yes, partially. The Security Council found that Serbia-Montenegro has stopped its involvement in the war in Bosnia-Herzegovina to the extent that it has been rewarded with the symbolic easing of sanctions. Air and ferry traffic have resumed, and cultural and sports exchange are allowed.

In Iraq (see Boxes 2.2 and 2.4), the answer is: maybe. The UN body overseeing Iraq's disarmament reported fulfilment of most of its tasks after four years of sanctions and commended Iraq for its cooperation. Iraq has recognised Kuwait. A divided Security Council did not reward Iraq, however, and there seemed to be disagreement as to what conditions Iraq had to meet in order for sanctions to be eased.

## Humanitarian impact

Different states have different interests and will describe the human costs of sanctions accordingly. Sanctions proponents would like them to be clean and effective, and may play down reports of increasing malnutrition and child deaths. If suffering is demonstrated, they will suggest that careful monitoring and appropriate humanitarian aid are all that are required. Sanctions opponents, in particular regimes under sanctions, tend to blame all evils on them, including hardship that to a large extent may be of their own making. Facts can be found, however, amid much deliberately biased data.

Sanctions have two types of negative humanitarian impact. One is unintended and may be short term: the result of ambiguous definitions of "humanitarian exceptions" in Security Council resolutions, poor working procedures, and slow and opaque Sanctions Committees. The other is long term and systemic, the result of policies designed to place a society in confinement.

Sanctions Committees under the Security Council prevent all but humanitarian exceptions from entering a country. Apart from food and medicine, they must define what humanitarian supplies and services are exceptions. Their instructions make the task a negative one, inviting re-

strictive scrutiny of an item's humanitarian nature.

As discussed in Box 2.3 on Serbia, Sanctions Committees perpetuate two problems from a humanitarian perspective. Firstly, Sanctions Committees take a minimal approach, reinforced by consensus decision-making, excluding humanitarian items that might have a dual function, such as pharmaceutical ingredients or water treatment chemicals, thereby excluding components that would prevent or alleviate ill-health. Secondly, slow development of Sanctions Committee working procedures causes extreme delays in clearing even food and medical items that are clearly exempted from sanctions This affects all humanitarian organisations, including UN agencies.

UN humanitarian agencies are not exempted from sanctions in any of the three cases. In former Yugoslavia, UNPROFOR has the mandate to protect and support humanitarian activities of UN agencies. UNPROFOR was exempted from sanctions. The Office of the UN High Commissioner for Refugees (UNHCR) and other UN agencies, whose actions UNPROFOR were meant to protect, were not.

From these three recent cases, a picture emerges of months of confusion and disarray before sanctions procedures are in place to allow a minimum of food, medicine and other humanitarian items to reach vulnerable groups. This has inflicted considerable hardship and suffering in Serbia-Montenegro, Haiti and Iraq. The Security Council's apparent insensitivity to or rejection of advice on the humanitarian consequences of its decisions and the lack of coordination between UN political and humanitarian bodies has further exacerbated the situation.

In assessing the long-term and systemic impact of sanctions, the difficulty is separating the results of sanctions from other problems. In Haiti and Serbia-Montenegro, for example, sanctions were imposed on societies already in crisis.

Serbia-Montenegro had already started the transition from a centrally planned to a market economy when

## Box 2.1 Haiti – sanctions, half sanctions or no sanctions?

The Organisation of American States and the United States imposed a trade and political embargo on Haiti when a military coup ousted President Aristide in September 1991 after nine months in office. Demanding the President's reinstatement, the embargo was never strictly implemented. Trade with Europe and Japan continued, and US-owned export assembly plants in Haiti were exempted. Haiti-bound ships were boarded but rarely stopped; US-based assets were only partly blocked. Human rights violations, including the assassination of President Aristide's supporters, continued.

As the security and human rights situation deteriorated, the Security Council found that the situation in Haiti in June 1993 threatened international peace and security. Acting under the Charter's Chapter VII, and aiming to reinstate the ousted President, it adopted Resolution 841, imposing an arms and oil embargo and freezing government funds in other countries Exceptions were made for petroleum products, including propane gas for cooking, in "non-commercial quantities", and for "verified humanitarian needs, subject to acceptable arrangements for effective monitoring of delivery and use" by a Sanctions Committee.

Three weeks later, the Haitian military regime seemed to concede, when an agreement was signed with President Aristide on Governor's Island in New York, outlining steps to restore democracy and reinstate the President. Sanctions were lifted when the Haitian Parliament reconvened to confirm the appointed Prime Minister in August under the terms of the agreement. Sanctions seemed to have worked.

But violence again increased. After a US vessel carrying UN training and monitoring troops was prevented from docking in Port-au-Prince on 11 October 1993, the Security Council decided to reimpose sanctions in Resolution 873 on 13 October. The next day, the Minister of Justice appointed by President Aristide was assassinated in Port-au-Prince

With continuing "extra-judicial killings, arbitrary arrests, illegal detentions, abductions, rape and enforced disappearances [and] the continued denial of freedom of expression", Security Council Resolution 917 on 6 May 1994 tightened sanctions with a general trade embargo and a ban on air traffic (not regular commercial flights, however, which were nevertheless embargoed by the United States).

Only now did the Security Council target individuals responsible for Haiti's situation.

Sanctions included a ban on travel by senior Haitian military and police officers and their families and associates – about 600 people – as well as a call on all states to freeze those individuals' assets. In addition to the President's reinstatement, the resolution's goals were the resignation of the three leaders of the 1991 coup d'état and, in the case of two of them, their departure from Haiti.

The UN Secretary-General reported no progress in implementing the Governor's Island agreement six weeks after sanctions were tightened. Instead, he found a sharp deterioration of human rights and new patterns of repression. Politically related killings continued and the security environment remained highly unstable. The Secretary-General summarised "Tensions have increased as a result of... the growing impact of economic sanctions, the continued repression and the humanitarian crisis."

In late September, 16,000 troops, most of them from the US, moved into Haiti, reinstated President Aristide and escorted the coup leaders out of the country. Sanctions did not achieve these goals. Casualties directly connected with the armed intervention were low. The Harvard Center for Population and Development Studies claimed that sanctions had led to a considerable increase in child mortality. This view was contested but the assumption that sanctions take fewer human lives than armed force will hardly find support in the case of Haiti. ■

Yugoslavia began to disintegrate. Withdrawal of subsidies, cuts in the social budget and introduction of user funding of health services had already affected living conditions. Severing relations between the former federal republics cut links between suppliers, producers and markets within an integrated economy. Industrial plants ran out of raw materials, and medical supplies produced in one republic were no longer available to its neighbours. In addition, war is expensive: estimates of Serbia-Montenegro's costs vary between US$ 1.5 billion and US$ 7 billion.

In Haiti, sanctions were "superimposed upon a crisis of governance, a military coup d'état, the de facto government's mismanagement, an atmosphere of political violence and repression, and evasive and black-market activities by the private business community", according to the Harvard Center for Population and Development Studies.

In Iraq, sanctions followed a war which damaged both society and infrastructure, including water supply and treatment facilities and sewage disposal systems.

Despite exercising caution interpreting data, the impact of sanctions in the three cases, including similarities and differences, is clear

## Economic impact

Import-export bans and asset freezing shut down trade-dependent industry, force down public and private income, cut public expenditure and raise unemployment. These effects had more impact in Serbia-Montenegro and Iraq, upper-middle income countries closely integrated into the international economy, than in rural Haiti, the western hemisphere's poorest country. In Serbia-Montenegro, more than 30 per cent of the workforce of 2 2 million are unemployed with at least as many on paid leave In Haiti, almost half of the formal sector labour force of 300,000 were laid off.

In all three cases, economic confinement has led to a shortage of most goods and thus inflation. In December 1993, inflation in Serbia-Montenegro reached several million per cent but was miraculously stopped when the new dinar was pegged to the Deutschmark (DM) in January 1994 In Iraq, where inflation in late 1994 stood at several thousand per cent, food prices increased 370-fold between 1990 and 1994 The exchange rate increased from three to 550 dinars to the dollar during the same period.

Inflation has eroded household purchasing power. A study by the International Federation and the Yugoslav Red Cross in Serbia-Montenegro showed that real household income had dropped to one-tenth of its 1990 level in 1994. A family needed four average salaries to satisfy its nutritional needs last year In practice, the middle class in Serbia-Montenegro virtually disappeared: the ratio between the highest and the lowest income group declined from 16 to 4 between 1990 and 1994. An estimated 2.2 million of Serbia-Montenegro's 10.5 million population live below the poverty line, and 0 5 million of these live in severe poverty.

In Iraq, the value of household incomes has been similarly eroded. A civil servant or doctor must work for between three weeks and two months to buy one kilogram of milk powder. The groups hardest hit by inflation are those on fixed incomes, such as government employees and pensioners. Many have sold all assets and taken their children out of school to earn extra income for their families.

In Haiti, the oil embargo has hit almost everyone by crippling public transport in rural areas, reducing access to health services, affecting food distribution and limiting petty trading. As cooking fuel costs eventually became prohibitive, families cut down large numbers of trees for charcoal.

In 1990, Iraq produced only one-third of its food needs. Sanctions led to shortages of fertiliser and seeds, and domestic production of food and food aid now cover only 60 per cent of the country's needs The Iraqi authorities supply all individuals (with the exception of the three northern provinces) with a basic food ration. In late 1994, the ration was 40 per cent of the individual pre-war calorie intake

Despite exemptions for food and medicine there are shortages of these commodities – with the exception of food in Serbia-Montenegro – and health services have declined Frozen overseas assets stop imports, making countries dependent on an outside organisation identifying a need, obtaining funds and requesting import clearance from the Sanctions Committee. Agencies operating in Serbia-Montenegro and Iraq can only provide support for very basic services. Maintenance and replacement of medical and other equipment is severely neglected. The UN Humanitarian Cooperation Programme for Iraq received only 25 per cent of its 1994/95 appeal and reduced its aims to providing "a minimum level of vital assistance to some of the most vulnerable groups".

In addition, commercial suppliers and transporters are very reluctant to provide for services to sanctions countries, even if paid in advance and accepted by the Sanctions Committee.

## Health and social impact

The toll is high, though the situation differs between the three countries. With Serbia-Montenegro's initial high standard of living, the general economic decline will not immediately be reflected in health statistics However, as vaccination coverage has decreased, tuberculosis, polio and measles have begun to reappear among children. There have been a number of

outbreaks of gastro-intestinal and other infections Doctors in Belgrade report an increase in the number of undernourished school children.

In Haiti, the paucity of reliable data and the complexity of the crisis make it difficult to establish the true impact of sanctions. There were objections when the Harvard Center for Population and Development Studies in 1993 extrapolated data on child mortality from one region to the whole country, suggesting that about 1,000 extra child deaths per month in Haiti could be attributed largely to sanctions. Whatever the correct estimate – with 133 deaths per 1,000 live births, Haiti already has among the highest under-five mortality in the western hemisphere – humanitarian agencies have had to feed a steadily increasing number of destitute Haitians throughout this sanctions episode.

In Iraq, which has been under sanctions for four years, the humanitarian situation was described as disastrous by an International Federation mission in February 1994 There are indications that child mortality has increased two to three times compared to pre-sanction levels, meaning thousands of excess child deaths. Malnutrition has increased drastically according to independent studies. Damaged sanitation facilities, poor disease control measures and the lack of safe water have led to drastic increases in water-borne diseases, such as typhoid, cholera and hepatitis A Absent for many years, malaria has reappeared with an alarming number of cases.

Hospitals and pharmacies have critical shortages of life-saving drugs, cancer chemotherapy, laboratory reagents, anaesthetics, disinfectants, spare parts and maintenance supplies for medical equipment, creating a situation where hospitals no longer can provide treatment, surgery cannot be performed and children die from curable cancers. Needs exceed the resources of the aid agencies working in Iraq.

In all three cases, the number of beneficiaries of assistance has steadily increased. Humanitarian agencies that initially aimed to assist vulnerable groups identify a growing number of needy in the general population. In Serbia-Montenegro in 1993, UN programmes began to include 150,000 "social cases" in addition to 500,000 refugees and displaced people. The soup-kitchen programme run by the Yugoslav Red Cross and the International Federation received a growing number of beneficiaries in 1994.

As well as nutritional status and physical health, all three societies have experienced a deterioration in social and mental health. Normally law-abiding citizens engage in black-market transactions to feed their families, criminals thrive on smuggling, thefts proliferate. Standards of public service fall as civil servants and health

## Box 2.2 Iraq – sanctions and security

Trade sanctions, including asset freezing, were imposed on Iraq on 6 August 1990 in Security Council Resolution 661, with exceptions for "supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs". To define "humanitarian circumstances", Resolution 666 called upon the UN Secretary-General to report to the Sanctions Committee on food availability in Iraq and the situation of children, sick and elderly people, and pregnant women

The Security Council dictated ceasefire conditions in Resolution 687 on 3 April 1991 The extensive conditions imposed on Iraq in this "Mother of all Resolutions" were compared with the Versailles Agreement after World War I. The resolution specifies three categories of demands: unilateral disarmament, compensation for damage inflicted during the occupation and war, and acceptance of the 1963 Iraq-Kuwait border.

A United Nations Special Commission (UNSCOM) was charged with implementing and verifying destruction of Iraq's chemical and biological weapons capability, destruction of medium- and long-range ballistic missiles, and installing monitoring mechanisms to ensure that these capabilities were not rebuilt. Resolution 687 confirmed that the humanitarian circumstances were such that food imports should be allowed after notification to the Sanctions Committee.

In Resolution 706 of 15 August 1991, Iraq was allowed to sell up to US$ 1.6 billion of its oil, with proceeds paid into a deposit account under UN administration and used to buy food and medicine for Iraq, cover compensation and reimburse UNSCOM costs Iraq did not agree to the terms of this resolution and has not sold oil.

For more than two years, Iraq would not cooperate with disarmament demands, particularly on verification and monitoring. In November 1993, however, Iraq accepted the Security Council conditions, and UNSCOM began its task. In June 1994, UNSCOM reported that it had eliminated Iraq's chemical weapons stockpile.

The UNSCOM-installed system constituted "the most comprehensive international monitoring system ever established in the sphere of arms control", the UN Secretary-General reported to the Security Council on 7 October 1994. Iraq was commended for its cooperation and the Secretary-General was optimistic, indicating that lifting sanctions could be considered when the monitoring system was operational.

A few days before delivery of UNSCOM's report in October, Iraqi troop movements prompted a new Gulf crisis. Despite a later recognition of the Iraq-Kuwait border, lifting sanctions appears to be off the Security Council's agenda in the near future

Have sanctions against Iraq proven effective in reaching the objectives of Resolution 687 ? The answer is inconclusive: Security Council's demands have not all been met, and the positive UNSCOM report was countered by Iraq's actions in October 1994 The Security Council remains undecided. ■

workers leave their jobs to earn money and find food. The incidence of anxiety, depression and suicides increases as people are unable to halt a decline in living conditions. The notion that a population under sanctions will turn on their leaders and hold them responsible for their plight finds no support in the three cases reviewed here.

## Conclusions

The balance sheet after years of sanctions against Iraq, Haiti and Serbia-Montenegro seems to be minimal political dividend at a very high humanitarian price. There are philosophical dilemmas inherent in the UN Charter between peace and justice and between human rights and state sovereignty. Experience of implementing sanctions adds a practical contradiction between peace and human rights

States imposing sanctions through the Security Council should be prepared to address the issue of proportionality. What degree of suffering can acceptably be inflicted on people to achieve certain political goals? What limit has to be reached before sanctions can be eased? This is not to argue that sanctions should not be used, after all the alternatives of diplomacy may be ineffective and that of military action too drastic. Sanctions are a legitimate tool for the UN, but they must be used with due regard to their effect on the lives of those caught up in the middle of the dispute, just as war must be waged with due regard to the fate of the civilian population

Things can be done to improve the present situation In his Supplement to the Agenda of Peace released in January 1995, the UN Secretary-General called for a mechanism to be set up to assess the humanitarian effect sanctions would have before they are imposed, to monitor their

# Box 2.3 Serbia-Montenegro – experiments in aid

Sanctions were imposed on Serbia-Montenegro to stop its involvement in the war in Bosnia-Herzegovina. In UN Resolutions 757, 787 and 820, issued between 30 May 1992, just after the beginning of the siege on Sarajevo, and 17 April 1993, the Security Council gradually banned trade with Serbia-Montenegro and transfers of funds, including individual remittances. Air traffic, cultural and sporting exchange, and technical and scientific cooperation were prohibited. Shipment through Serbia-Montenegro of many commodities was banned, including oil, petrol and coal. Serbia-Montenegro's funds in other countries were frozen, and provision of financial and non-financial services to people and organisations in Serbia-Montenegro was prohibited.

Exceptions were made for imports of medical supplies, foodstuffs and "other essential humanitarian supplies", as well as for "services whose supply may be necessary for humanitarian or other exceptional purposes", approved on a case-by-case basis by a Sanctions Committee.

Have sanctions against Serbia-Montenegro achieved the Security Council's objectives? In the Security Council's view, the answer is clearly yes, if only partially. In September 1994, Serbia-Montenegro introduced its own sanctions against the Serbian-controlled parts of Bosnia-Herzegovina and accepted deployment of civilian international observers along its border to force Bosnian Serbs to accept the Contact Group peace plan. When the observers reported the border effectively sealed, the Security Council acknowledged Serbia-Montenegro's compliance and eased sanctions, symbolically, by lifting the ban on air traffic and sporting and cultural exchange in October 1994. All other sanctions remained in effect.

If Serbia-Montenegro is an example of the successful use of sanctions, it also shows how a restrictive definition of "humanitarian" and an unprepared Sanctions Committee act together to cause human suffering.

The Sanctions Committee must approve humanitarian supplies for Bosnia-Herzegovina being transported through Serbia. In 1993, the Committee questioned the need for spare parts and piping to repair the collapsed water supply system of besieged Srebrenica in Bosnia In another instance, a permanent member on the Sanctions Committee reportedly insisted on a separate application for each part of a scanner to detect child cancer.

The Sanctions Committee frequently delayed applications for the clearance of medical equipment or supplies for programmes run by humanitarian organisations.

Serbia-Montenegro was once 85 per cent self-sufficient in pharmaceuticals but imported many drug ingredients. The Sanctions Committee would not accept these imports, causing a sudden interruption in supplies, severe shortages and hardship for people requiring medication. Cancer chemotherapy ceased and there was limited access to anaesthetics. The International Federation, the World Health Organization (WHO) and other agencies now run a system that imports essential drugs for pharmacies and health facilities. Some specific needs, such as chemotherapy for children with leukaemia, are not satisfactorily met

The Sanctions Committee has to provide no-objection certificates on a case-by-case basis even for items that are unambiguously sanctions-exempt. At the start this created extreme delays, as the unprepared and undermanned Sanctions Committee could not keep pace with applications UN food convoys waited for weeks; delayed drugs passed their expiration dates. Delivery of humanitarian aid was particularly difficult for NGOs without formal access to the Sanctions Committee which had to submit applications via governments or recognised international organisations.

In Serbia-Montenegro, the Sanctions Committee eventually agreed on a procedure for UNHCR to submit "bulk" applications on behalf of the aid community Although this has smoothed and shortened clearance, it puts UNHCR in a potentially difficult intermediary role. De facto, the agency stands in for the Sanctions Committee when it reviews and accepts applications from other organisations. However, the Sanctions Committee holds UNHCR accountable for the activities of the same organisations. ■

# Box 2.4 Iraq – sliding into destitution and vulnerability

Three and a half million children at risk, half a million of them under five. Short of food, short of drugs, Iraqis sell all they have to survive.

Chief physician, Dr Tariq Abbas Hady, is at his wits ends. In the Ibn-Baladi children's hospital serving Baghdad's squalid Saddam City district, he has just told the mother of an eight-month-old boy that he does not have the drugs to help her son.

The child's life is in danger, and it should not be. A month ago, he was admitted with mild gastro-enteritis but has deteriorated ever since. Now he is severely malnourished and has only a 50:50 chance of survival.

"I am living in a nightmare," says the doctor. "It is a very simple case, the drug of choice is a common one but in Baghdad it isn't available. Nor are proper alternatives. Tell me why this must be? Do our children deserve to suffer? They die of silly things in front of me and I am powerless."

Shortages of drugs and medicines, as well as food, are reaping a frightening toll in Iraq. Although theoretically exempt from sanctions, the health system has no money to buy them. Drugs are in short supply or missing and the country's once-excellent health care is collapsing.

A recent mission monitoring the progress of an International Federation food and medicine relief programme revealed:

- Intravenous infusion fluid is sometimes so scarce that children in hospital share drips in rotation. Shortages of disposable syringes means each one is used on several patients. A surge of hepatitis B is evident and the risk of HIV infection is worrying;
- Lack of drugs in leukaemia centres affects treatment continuity. Interruption of treatment among children means inevitable death,
- Poor nutritional status of hospitalised children, especially outside Baghdad. In one maternity and children's hospital 80 per cent of child patients were malnourished;
- Once-seasonal diseases occur year-round. As well as greatly increased incidence, summer diarrhoea is now common in winter and winter acute respiratory infection in summer Poor nutrition, bad water and broken domestic heating systems are the causes, but doctors lack drugs to treat victims. Mortality is rising, particularly among children and the elderly;
- Almost 22 per cent of births are premature or involve critically underweight babies, a figure five times higher than before the Gulf war, reports the Iraqi Red Crescent Society Poor nutrition and mothers' stress are blamed. Care for these infants is grossly insufficient due to lack of special milk preparations and broken respirators and incubators,
- Of the 3.5 million Iraqis the International Federation says are vulnerable, an estimated 125,000 are under one-year-old, and well over 500,000 are under five

Malnutrition is widespread and increasing Hidden from head to toe in her black robe, Nagia Hantoosh, aged 40, waits patiently in the food line in Baghdad. Every month this mother of eight crosses the capital of four million people to collect a ration without which her family would be even more hungry.

Two hundred others wait with her in front of a tent on the city's fairground, from which the Iraqi Red Crescent Society distributes food to 4,000 of Baghdad's most needy families. Since most people live in poverty, tens of thousands are needy The Iraqi Red Crescent Society does what it can with 5,600 tonnes of supplies delivered by the International Federation in a nine-month nationwide programme. Yet this can reach less than 10 per cent of those in need.

Before the Gulf war and UN sanctions, life for Nagia was comfortable. Married to a teacher of Arabic, she took pride in her home and dreamed of a bright future for her children.

Five years ago, her husband's salary could buy all essentials and some luxuries. His salary's value has collapsed. In 1989, one Iraqi dinar was worth more than three US dollars (US$). Today US$1 is worth around 550 Iraqi dinars (ID) and his ID 3,000 monthly income – very good by Iraqi standards – buys two cartons of milk.

Some are worse off than Nagia Many try to get by on salaries of less than ID 1,000 a month, and pensioners may live on little more In Baghdad's markets, a kilo of white beans costs ID 640, rice ID 280, cooking oil ID 600. With beef and mutton at ID 700, meat is beyond most pockets

Those waiting with Nagia for the monthly ration of 18 kilos of rice, six kilos of lentils and three kilos of cooking oil queue at one end of the tent At the other end, wait people from community councils left out when their beneficiary quotas were filled, but who turn up nevertheless in the vain hope of finding food.

Kerima Jabar Adim, aged 37, watches enviously as Nagia heads home. A mother of seven from Saddam City, she is reduced to feeding her children on bread and molasses Her two-room rooftop apartment is almost empty, she has been forced to sell the furniture for food and medicine.

It is a familiar Baghdad story. Even the once wealthy are now selling family heirlooms, with Persian carpets and silverware going for a song in auction houses. The destitute, selling whatever they have to buy food, litter the streets of what five years ago was one of the Middle East's most prosperous capitals.

Goats graze on garbage in Saddam City and the destitute forage through it. The neighbourhood is a health hazard, where filth piles up because garbage trucks break down and spare parts are scarce in sanctions-hit Iraq.

In her apartment, Kerima offers tea in a room which is empty but for a broken television set and a cupboard. When her husband's salary as a security man failed to make ends meet she, like most women, sold her gold jewellery, then her furniture, the bed and their best clothes. The television will be next, and then the cupboard and the fridge. After that there will be nothing left.

The government's 40 per cent reduction in food rations last autumn was a body blow, for they had previously provided 70 per cent of minimum required calories.

She prefers not to think of what lies ahead but is concerned for the children's health The last time she took a child to the polyclinic, a doctor wrote a prescription for a drug the free pharmacy no longer had. She paid ID 750 privately, crippling to the family.

A good diet is powerful preventative medicine. Kerima would like to give milk to her youngest children of three, five and seven, but she simply cannot afford it Nor fruit? She laughs. They would have as much chance of that as seeing meat on the table. If, that is, they had a table. ■

application, to measure their effects once they are imposed, to explore ways of assisting neighbour states who suffer collateral damage and to ensure the delivery of humanitarian assistance to vulnerable groups. The setting up of such a mechanism would go a long way towards meeting the humanitarian concerns arising from the imposition of sanctions.

More specifically, the humanitarian impact of sanctions could be lessened if the Security Council agreed upon standard lists of exceptions, and exempted UN and other well-established humanitarian agencies from sanctions restrictions when carrying out humanitarian work. To avoid repeating past tragedies, a sanctions institutional memory should be systematically collected and stored, drawing from the many individuals, particularly in UN humanitarian agencies, who have learned to manage sanctions within the restrictions.

Humanitarian supplies should not be politicised by linking any imports using sanctions country funds to the fulfilment of political objectives, as was the case with Iraq. Such linkage, in effect, suggests that humanitarian assistance to those who are suffering is conditional upon certain political action by the sanctions-affected country. This is contrary to the spirit of neutrality and impartiality in which humanitarian assistance should be given.

The DHA-chaired UN Inter-Agency Standing Committee is initiating a review of the sanctions issues. Procedures should be well improved when the Security Council next prepares to impose sanctions.

Some fundamental issues will remain unresolved, however. Sanctions countries are ostracised by governments, including major donors. Crisis warnings are only meaningful if adequate response is possible. Despite UNICEF monitoring and highlighting the plight of children in Iraq, only 25 per cent of the 1994 UN humanitarian programme was funded. Of 40 NGOs operating in Iraq, only four are in central and southern areas where conditions are probably worse than in the UN-protected northern region. There is a similar imbalance between Serbia-Montenegro and Croatia.

Many humanitarian agencies now aspire to the principles laid down in the *Code of Conduct* for relief workers, highlighted in the 1994 *World Disasters Report* and in Chapter 16 of this year's *Report*. The *Code* specifically highlights this issue of proportionality of aid. Agencies signing the *Code* undertake to give aid "regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind". They affirm that "human suffering must be alleviated whenever it is found, life is as precious in one part of a country as another Thus, our provision of aid will reflect the degree of suffering it seeks to alleviate."

If these principles are to be adhered to, both operational agencies and their funders have to consider carefully the manner in which they work in sanctions-affected countries. Is their programming truly addressing the needs of the most vulnerable? Is their aid being given in proportion to need across the entire territory of a country?

Imposing sanctions largely "after the event" tend to make recent UN sanctions punishments rather than preventive action. Sanctions should not be a belated substitute for what the international community failed to do to prevent threats to peace. Practical experience makes a strong case for developing parallel means of conflict prevention and resolution, including the UN Charter's under-used Chapter VI on Pacific Settlement of Disputes.

In conclusion, comprehensive sanctions may have such serious humanitarian consequences that a de facto contradiction between human rights and the maintenance of international peace and security will be created Furthermore, the evidence suggests that their limited political effectiveness seems to be out of proportion to their humanitarian cost. While sanctions remain a legitimate tool for the UN, sitting as they do between diplomacy and the use of armed force, in this post-Cold War era there is a need to reassess their practice. For humanitarian organisations, concerned to alleviate suffering wherever and whenever it is found and doing so from a position of neutrality and impartiality, there must remain serious concern about the present practice of sanctions and a strong desire to see this practice reformed to minimise their detrimental effect upon those who are least able to weather such storms. We have to reaffirm that civilians, caught up in a dispute, conflictual or otherwise, are entitled to adequate medical care, sanctions or no sanctions, and that the starving of civilian populations is unacceptable. sanctions or no sanctions. ■